

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Scott Mason Duncan
Miguel Angel Pagan
Middleton Brawner Floyd, Jr.

For: PROCESS FOR THE SYNTHESIS OF 3-CYANO-6-ALKOXY-7-NITRO-4-QUINOLONES

the specification of which:

- (a) is attached hereto.
- (b) was filed on _____, as Application Serial No. _____ and was amended on _____
- (c) was described and claimed in International Application No. _____, filed on _____ and as amended on _____

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

- Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Joy S. Goudie
Wyeth
Patent Law Department
Five Giralda Farms
Madison, NJ 07940
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**EFFORTS DURING CONVENTION YEAR TO PREPARE APPLICATION AND OBTAIN
INVENTOR'S SIGNATURE**

Miguel Pagan executed the Assignment to the Assignee ("Wyeth Holdings Corporation") at the time provisional application 60/461,647, was filed on April 9, 2003. No notice was given to the undersigned attorney at the time Miguel Pagan terminated his employment with the Assignee. The details of the efforts to reach Miguel Pagan ("nonsigning inventor") are set forth below.

LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

Miguel Angel Pagan
126 Robbins Road
Mount Hope, NY 10932

DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

A Combined Declaration and Power of Attorney and Assignment of Invention was prepared in the names of Scott Mason Duncan, Miguel Angel Pagan and Middleton Brawner Floyd on February 20, 2004. A copy of the Combined Declaration and Power of Attorney and Assignment of Invention was mailed on that date by Wyeth interoffice mail to Middleton Brawner Floyd and by Federal Express to Scott Mason Duncan at 10 Stonecrest Circle, Madison, Wisconsin.

At the time of the mailing undersigned was informed by Ann Peterson that someone else was answering Miguel Pagan's telephone.

The undersigned proceeded to ask the office manager, Janice White, to locate Miguel Pagan.

Janice White of the below signed attorneys office contacted Lisa Struzik in Wyeth Human Resources (B140) regarding Miguel Pagan. She referred Janice White to Linda Vergine in the Wyeth Research Human Resources. Linda Vergine told us that Miguel had transferred from Wyeth in Pearl River, NY, to work in Wyeth Chemical Development in Rouses Point and referred us to Sharon Bouchard, her counterpart in the Wyeth Chazy Human Resources office.

On March 12, 2004 Janice White called Sharon Bouchard. At this time we were officially informed that Miguel Pagan had left the company. There was no forwarding address left since he only worked a few years with the company, not long enough for him to be eligible for a pension.

Janice White spoke with Julie Parrott, who worked as a secretary in the Wyeth Chemical Development Department at Rouses Point, and was told, to the best of her knowledge, that no one had any further contact with Miguel Pagan or knew of his whereabouts.

Ann Peterson called Scott Duncan, a co-inventor on this patent, on March 12, 2004. He told Ann that he didn't have any contact with Miguel Pagan nor did he think anyone else did either. Likewise, co-inventor Middleton Brawner Floyd of Wyeth was contacted and had no information.

A search was run and Miguel Pagan's name was found on a published US application 2003-44356 assigned to Alteon Inc., located at 170 Williams Drive, Ramsey, New Jersey 07446-2907. The undersigned spoke with Arlene MacDonnell of Alteon Inc. (201-934-5000 x22587) and was informed that Miguel Pagan was no longer employed by Alteon and that no forwarding address was provided.

The Combined Declaration and Power of Attorney and Assignment of Invention forms were mailed to the last known address of Miguel Pagan and returned. (Exhibit A)

Consistent with Miguel Pagan's employment with Wyeth an Assignment was executed by Miguel Pagan on March 21, 2003, in provisional application 60/461,647 from which this application claims priority (Exhibit B). Assignment by Miguel Pagan for the subject-application would be consistent with Miguel Pagan's employment with Wyeth at the time of the subject invention.

This statement of Facts in Support of Filing on Behalf of Nonsigning Inventor under 37 CFR § 1.47 is being filed as PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE OR PRESERVE THE RIGHTS OF THE PARTIES.

Date

April 7, 2004

Joy S. Goudie

